

REFUSE TO RESEAT SOCIALIST FIVE

Assembly Again Prevents De- bate on Legality of Their Suspension.

TRIAL GOES ON TODAY

McCue Again Assails Hughes— Socialists Denounce Pend- ing Penal Code Measure.

Special to The New York Times.

ALBANY, Jan. 26.—The Assembly again tonight refused to reseat, pending the outcome of their trial before the Judiciary Committee, the five suspended Socialist Assemblymen, August Claessens and Louis Waldman of New York, Samuel Orr and Samuel A. De Witt of the Bronx, and Charles Solomon of Kings. This ended the fourth futile effort.

The fight on their behalf was led by Assemblyman William C. Amos and Joseph Steinberg, New York City Republicans, and Maurice Bloch, a Tammany Democrat. Resolutions, calling on Attorney General Newton and Speaker Sweet to submit forthwith their proof against the suspended Socialists and directing the Judiciary Committee to admit the special committee of the New York City Bar Association to participation in the trial were offered for debate, but were sidetracked by the Speaker on the ground that they were not privileged. In one instance when an appeal was taken from his ruling, it was lost on a rising vote.

The trial will be resumed tomorrow forenoon. The Speaker tonight directed Chairman Martin of the committee to speed up the proceedings with a view, if possible, of reaching a determination at the end of the present legislative week.

Assemblyman Amos, who last Monday lost a similar effort to reseat the Socialists, returned to the attack tonight with four resolutions. The first, stating that "the citizens of the State of New York, whose constitutional rights are being outraged and whose very inherent liberty is being set in jeopardy, have been denied legal representation by the arbitrary ruling of the Judiciary Committee," excluding the Bar Association Committee. The resolution directed the Judiciary Committee to extend at once to that committee all the rights and privileges of the attorneys appearing for the Socialists.

Before offering this resolution Mr. Amos sent to the Speaker's desk a memorial from the bar association's special committee, in which the dismissal of the proceedings, the reseating of the Socialists, and the drafting of formal charges in case it should be desired to test their right to sit as members, were urged.

Mr. Amos asked for unanimous consent to the reading of the memorial after the Speaker had refused it. A dozen objections, led by Mr. Cuvillier, Tammany Democrat and a member of the Judiciary Committee, were heard, and the Speaker's ruling that the memorial would be printed as a public document ended the discussion.

Joseph Steinberg bobbed up and asked Cuvillier if he ever was a candidate on the Socialist ticket.

"No, thank God!" fairly shouted the latter.

Steinberg said afterward that he had received a report that Cuvillier had sought Socialist indorsement as a candidate for the Assembly.

Assemblyman Amos then called up a resolution which he offered last Monday night, declaring invalid everything the Assembly had done since the five Socialist Assemblymen were excluded. The resolution also called for the dismissal of the proceedings and for restoring the five Socialists to all the rights and privileges of membership.

Mr. Amos offered three more resolutions which the Speaker declared were not privileged and therefore could not be read until the Assembly meets tomorrow. One directed that the Assembly Judiciary Committee be relieved from conducting the hearing.

Another resolution called on the Attorney General to inform the Assembly at once whether the statement made by Martin W. Littleton that the Socialists were linked with "an invisible alien empire" and were guilty of treason was merely oratory or based on evidence, and in the latter event to advise the Assembly why he had not urged the Judiciary Committee to recommend their expulsion and turn them over to the United States Department of Justice for prosecution.

The fourth resolution called on the Attorney General to furnish the Assembly with information on these points:

First—When and by whom the suspension of the Socialists was first suggested to him?

Second—Was the evidence, wholly or in part, that had been produced at the hearing in his possession when the sug-

Continued on Page Two.

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Continued from Page 1, Column 5.

gestion was made, or had it been acquired since?

Third—If no suggestion was made to him, did he suggest to the Assembly that the five Socialists be suspended, and to what member did he make the suggestion?

Fourth—What arrangement, if any, had been made as to the compensation of committee counsel, including Messrs. Stanchfield and Littleton?

Fifth—Are the charges against the Socialists based on criminal acts?

Sixth—Did he advise the Chairman of the Judiciary Committee to refuse the Bar Association Committee an appearance?

Assemblyman Steinberg took the floor to debate the resolution which he offered a week ago to expunge from the records the remarks of Assemblyman McCue, "charging Charles E. Hughes with disloyalty."

"I defy Mr. McCue to prove that Mr. Hughes is not a loyal American," said Mr. Steinberg, amid interruptions that were not quelled from the rostrum until attention had been called to them by Assemblyman Hallett of New York. "Mr. Hughes was defeated as a candidate for President because the pro-German element among the voters supported President Wilson. Moreover, Mr. Hughes is not defending the Socialists, but merely came up to see that they had a square deal."

"I am sorry that the gentleman does not seem to understand the English language," said Mr. McCue. "I have not charged Mr. Hughes with anything, and the stenographer's minutes will show it. I merely stated that I was suspicious of Charles Evans Hughes and have been suspicious of him for three years. I moreover stated that when it was thought he had been elected, every pro-German in my district was shouting with joy. That was a simple statement of fact. If Mr. Steinberg had any regard for Mr. Hughes he would never have made his motion, for if Hughes is again a candidate for President and they search the Assembly minutes for material to use against him, it will be his remarks, not mine, that will be dug up to show that Hughes was charged with disloyalty."

The Socialist Assemblymen, in a statement issued tonight, announced that they were watching carefully the course of proposed legislation, which included, they said, "several bills which are sinister of purpose and intent." The Assemblymen named, among other bills, the "grab bill to bring about an eight-cent fare," which they said would be introduced again this session.

Still another bill, says the statement, purposes the abolition of the direct primary system and the restoration of political conventions.

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